

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-320-T - ORDER NO. 2002-739

OCTOBER 17, 2002

IN RE: Application of Absolutely Charleston, Inc.,)	ORDER APPROVING
Post Office Box 2727, Mt. Pleasant, SC)	WAIVER OF MARKING
29465 for Exemption from the Marking)	REQUIREMENTS FOR
Requirements of Regulation 103-153.)	CLASS C-CHARTER
)	VEHICLES

✓DW

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Absolutely Charleston, Inc. (Charleston or the Company) for a waiver of Commission Regulation 103-153, which states in part that no carrier regulated by the Public Service Commission shall operate any motor vehicle upon the highways in the transportation of property or passengers for compensation unless the name or trade name, place of principal office, and PSC I.D. number appear on both sides of such vehicle in letters and figures not less than three (3) inches high. The remainder of the regulation requires legible placards and discusses the use of the marking requirements of the Federal Surface Transportation Board. Regulation 103-101(2) states that the Commission's rules are subject to such exceptions as may be considered just and reasonable as ordered by the Commission in individual cases when strict compliance with any rule or rules produces unusual difficulty and is not in the public interest.

Charleston's request is that we waive the "marking regulation" for its Lincoln Town Cars and Suburban SUVs. The Company lists the following reasons for the waiver:

- (1) These vehicles are used exclusively for charter services and not taxi services, just as limos are used. (Charleston goes on to state that “Limos are exempt from the ruling.” This is not the case at present, however, as we will hold *infra*, we are prepared to exempt all Class-C-Charter vehicles from the marking requirements of Regulation 103-153.)
- (2) The purpose of signage is to allow the public the opportunity to identify vehicles for hire. The Company does not provide service to the general public. Business clients call the Company for charter and such services are never performed at random.
- (3) The vehicles are clearly identified for Commission Enforcement Inspectors with decals and LS license plates.
- (4) There is no safe way to apply materials to the finish of these vehicles. The vehicles cost in excess of \$40,000 and the lettering causes damage and significant depreciation in the vehicle.
- (5) The Company’s clients, including law enforcement, government and corporations, use the luxury vehicles for prestige. Charleston states that signage diminishes that purpose.
- (6) Clients such as the DEA, Naval Investigative Service, U.S. Air Force, local, State, and Federal government do not want markings on vehicles that they charter.
- (7) Clients of the service pay upwards of \$600 per night at the Charleston Place Hotel. The Mansion and Market Pavilion Hotel do not prefer to charter vehicles with markings, and they do not want the high profile appearance of stretch limos.

Accordingly, Charleston requests the waiver of its vehicles from the marking regulation.

The Company makes some interesting points in its presentation, and, in fact, we think that many of those points apply to Class C-Charter vehicles in general, not just Lincoln Town Cars and Suburban SUV's owned by the Company. Stretch limos are used exclusively for charter services. Services performed by Class-C-Charter certificate holders are not performed at random under a Class-C-Charter certificate. Class-C-Charter vehicles are clearly identified by a combination of decals and LS license plates. Class-C-Charter vehicles are expensive, and damage and depreciation can result from the application of lettering, since there is no safe way to apply materials to the finish of these vehicles. The clients of Class-C-Charter vehicles use these vehicles for prestige, and in certain cases, may not want markings on vehicles that they charter.

Accordingly, we believe that Absolutely Charleston, Inc. has stated a case for waiver of Regulation 103-153 for all Class-C-Charter vehicles in general. We believe that the provisions of Regulation 103-101(2) have been satisfied, since strict compliance with Regulation 103-153 produces unusual difficulty. Clearly, signage can cause damage and depreciation to very expensive vehicles, and certain clients may not want markings on the vehicles that they charter. Further, since Class-C-Charter vehicles are marked with decals and LS license plates, we think the purposes of law enforcement are served even without the markings required by Regulation 103-153. Strict compliance with the regulation is therefore not in the public interest.

Because of this reasoning, we hereby waive the provisions of Regulation 103-153 for all vehicles belonging to companies providing Class-C-Charter services, provided that

the vehicles are used to provide Class-C-Charter services alone. This includes stretch limos, Town Cars (used in the generic sense)¹ and SUV's. We do not waive the markings regulation for any vehicles used to provide both Class-C-Charter and Class-C-Taxi services, since said vehicles need to be marked in the event of the provision of taxi service, unless otherwise approved by this Commission.

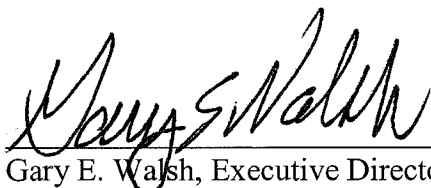
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director

(SEAL)

¹ The use of the term "Town Car" is not limited to that brand of vehicle manufactured by Lincoln, but is intended to apply to all luxury sedans that could be referred to by that name.